

Article - Education

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§8-404.

(a) The State Board shall adopt, as regulations, standards for the identification, evaluation, educational placement, and the provision of a free appropriate public education of each child in this State who has begun the school year under the age of 21 and is found to need special education and related services, whether or not the child is receiving nonduplicative services from another governmental agency.

(b) Before these standards are adopted, the State Board shall consult with public and private agencies and persons who are concerned with and knowledgeable about the educational needs of children with disabilities who require special education and related services.

(c) The standards for the education of a child with a disability who is enrolled in a school that is operated by an agency other than a local school system may not be lower than the standards for the education of a child with a disability who is enrolled in a school that is operated by a local school system. The standards for the approval of schools located in jurisdictions outside Maryland shall be the same as standards applicable to the approval of schools within Maryland. However, no school located in a jurisdiction outside Maryland shall be approved if the charges for pupils approved by the Department are higher than charges for pupils from any other state for the same services, unless waived by the State Superintendent.

(d) The standards shall include:

(1) The required qualifications for teachers, administrators, and other professionals serving a child with a disability;

(2) Procedures for the identification, evaluation, educational placement, and provision of a free appropriate public education for a child with a disability who requires the provision of special education and related services;

(3) Guidelines for curricula, instructional materials, equipment, and the organization, administration, and supervision of the program, including accounting, auditing, and reporting procedures;

(4) Provisions for local, regional, and State day and residential centers for children with disabilities who cannot be served appropriately in the public schools;

(5) Coordination of these special education services with services given by any other government agency; and

(6) Guidelines for approval of placement in nonpublic schools or facilities if appropriate public services are not available.

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